

Notice of Allowability

Application No.

09/777,378

Applicant(s)

KITAMOTO, HIROAKI

Examiner

Brian D Nash

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to brief filed 8/16/2004.
2. ☒ The allowed claim(s) is/are 11-15 and 17-22.
3. ☒ The drawings filed on 06 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's appeal brief received 8/16/2004. The pending claims are 11-15 and 17-22.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Terry Chapman at 269-381-1156 on Monday 10/18/2004.

The application has been amended as follows:

Claim 21 was replaced with

--21. (Currently Amended) A method of clamping a cap onto a vessel comprising the steps of:

providing a cap having threads, a vessel having threads with a predetermined winding angle adapted to engage with the threads of the cap, a capping head holding said cap and a motor for rotating the capping head in a clamping direction;

rotating the cap and the vessel relatively with respect to each other at an elevation where the threads on the cap and vessel are not engaged with each other;

Art Unit: 3721

detecting an incipient position of meshing engagement when the distal ends of the threads of the cap and vessel come into contact with each other by measuring the torque acting on the cap when the distal ends of the threads of the cap and the vessel come into contact with each other; and

rotating the cap in a clamping direction by a predetermined rotational angle with respect to the incipient position of meshing engagement to clamp the cap to the vessel.--;

Claim 22 was replaced with

--22. (Currently Amended) A capping apparatus for clamping a cap onto a vessel, said apparatus comprising:

a capping head for holding a cap having threads;

a motor for rotating the capping head in a clamping direction so that the cap can be clamped onto a vessel having threads with a predetermined winding angle adapted to engage with the threads of the cap;

an elevating mechanism for raising the capping head up and down;

measuring means for measuring torque acting on the cap held by the capping head;

angle detecting means for detecting an angular position to which the capping head is rotated; and

control means for rotating the cap and the vessel relatively with respect to each other at an elevation where the threads on the cap and the vessel are not engaged with each other, detecting an incipient position of meshing engagement where the distal ends of both threads come into contact with each other by measuring the torque acting on the cap when the distal ends of the threads of the cap and vessel come into contact with each other, and rotating the cap in a

Art Unit: 3721

clamping direction by a predetermined rotational angle with respect to the incipient position of meshing engagement to clamp the cap to the vessel.--

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: the prior art of record fails to anticipate or show in combination a method or apparatus wherein an incipient position of meshing engagement is detected where the distal ends of both threads of a cap and a vessel come into contact with each other by measuring the torque acting on the cap when both threads come into contact with each other. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 703 308-2187.

The fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
18 October 2004



**SCOTT A. SMITH
PRIMARY EXAMINER**